



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 20, 1996

Ms. Marlene M. Menard  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-0356

Dear Ms. Menard:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39126.

The City of Dallas (the "city") received a request for information concerning a Dallas Police Officer. You inform us that the requested information contains juvenile criminal records which are excepted from required public disclosure under section 552.101 of the Government Code as information made confidential by law.<sup>1</sup>

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that Family Code section 58.106 makes the juvenile criminal records confidential. This section was added by the Seventy-fourth legislature. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 53, 1995 Tex. Sess. Law Serv. 2517, 2552-53, 2555. However, this amendment applies only to conduct that occurs on or after January 1, 1996. *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. "Conduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose." *Id.* The requested information concerns conduct that occurred before January 1, 1996. Accordingly, section 58.106 does not apply to the juvenile criminal records at issue here.

At the time the conduct occurred, the applicable law in effect was Family Code section 51.14 which provided, in pertinent part:

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<sup>1</sup>As you raise no exceptions to the remainder of the requested information, we assume that all responsive information with the exception of the juvenile criminal records submitted to this office for review have already been released to the requestor.

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.

Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. In Open Records Decision No. 181 (1977) at 2, this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying former Fam. Code § 51.14(d) to "police blotter" and related information). We do not understand that any of the exceptions to former section 51.14(d) apply here. *See* Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2), (3)). Accordingly, we conclude that the city must withhold the juvenile criminal records in their entirety under section 552.101 of the Government Code as information deemed confidential by law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/ch

Ref: ID# 39126

Enclosures: Submitted documents

cc: Mr. Paul R. Leake  
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(w/o enclosures)